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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re: JOHN LAWRENCE ATKINS and MELISSA SUE ATKINS	§ Case No. 11-42595 (Chapter 13)
	§
	§
OCWEN LOAN SERVICING, LLC as mortgage servicer for WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SALOMON HOME EQUITY LOAN TRUST, SERIES 2002-CIT1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2002-CIT1, its successors and/or assigns, Movant	§ HEARING DATE: 06/30/2016
	§
	§ TIME: 09:30 AM
	§
	§ JUDGE MARK X. MULLIN
	§
	§
	§
	§

vs.

JOHN LAWRENCE ATKINS and MELISSA
SUE ATKINS, Debtor and PAM BASSEL,
Trustee, Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY AGAINST DEBTOR(S)
REGARDING 533 MEADOW KNOLL COURT, KELLER , TX 76248 AND WAIVER OF
THIRTY DAY REQUIREMENT PURSUANT TO 11 U.S.C. §362(e)**

NOTICE – RESPONSE REQUIRED

**PURSUANT TO LOCAL BANKRUPTCY RULE 4001(B), A RESPONSE IS REQUIRED.
THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A
RESPONSE TO ANY MOTION FOR RELIEF FROM AUTOMATIC STAY WITHIN 14
DAYS FROM THE SERVICE OF THE MOTION. THE DEBTOR'S RESPONSE SHALL
INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE
MOVANT CAN BE ADEQUATELY PROTECTED IF THE STAY IS TO BE
CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE
ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS
SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND
AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.**

**FILE WRITTEN RESPONSE WITH THE COURT AT:
ELDON B. MAHON U.S. COURTHOUSE
501 W. 10TH ST.
ROOM 147
FT. WORTH, TX 76102-3643**

HEARING PARTICIPANTS ARE NOTIFIED THAT ABSENT COMPELLING CIRCUMSTANCES, EVIDENCE PRESENTED AT PRELIMINARY HEARINGS IN THE DALLAS DIVISION ON MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY BE BY AFFIDAVIT ONLY. THE PARTY REQUESTING THE HEARING MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 7 DAYS IN ADVANCE OF SUCH HEARING; THE RESPONDING PARTY MUST SERVE EVIDENTIARY AFFIDAVITS AT LEAST 48 HOURS IN ADVANCE OF SUCH HEARING.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

OCWEN LOAN SERVICING, LLC as mortgage servicer for WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SALOMON HOME EQUITY LOAN TRUST, SERIES 2002-CIT1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2002-CIT1 (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of 533 MEADOW KNOLL COURT, KELLER , TX 76248 (the “Property”). The facts and circumstances supporting this Motion are set forth in the Affidavit in Support of Motion for Relief from Automatic Stay filed contemporaneously herewith (the “Affidavit”). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor(s) on 05/02/2011.
2. JOHN L ATKINS AND MELISSA S ATKINS has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note in the original principal amount of \$239,970.00 (the “Note”). A copy of the Note is attached hereto as Exhibit “A”.

Movant is an entity entitled to enforce the Note.

3. Pursuant to that certain Deed of Trust (the "Deed of Trust"), all obligations (collectively, the "Obligations") of the Debtor(s) under and with respect to the Note and the Deed of Trust are secured by the Property. A copy of the Deed of Trust is attached hereto as Exhibit "B".

4. All rights and remedies under the Deed of Trust have been assigned to the Movant pursuant to that certain assignment of deed of trust, a true and correct copy of which is attached hereto as Exhibit "C".

5. The legal description of the Property is set forth in the Deed of Trust, a copy of which is attached hereto, and such description is incorporated and made a part hereof by reference.

6. Ocwen Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtors obtain a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SALOMON HOME EQUITY LOAN TRUST, SERIES 2002-CIT1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2002-CIT1. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.

7. As of the May 12, 2016, the amount of the outstanding Obligations is at least \$305,114.18.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also

incurred \$650.00 in legal fees and \$176.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Note that have been missed by the Debtor(s):

Number of Missed Payments	From:	To:	Monthly Missed Principal and Interest	Monthly Missed Escrow (if applicable)	Monthly Payment Amount	Total Amounts Missed
60	05/29/2011	04/29/2016	\$1,810.41	\$252.29	\$2,062.70	\$123,762.00
Less post-petition partial payments (suspense balance):						(\$0.00)
						Total: \$123,762.00

10. Attached hereto as Exhibit "D" is a post-petition payment history with respect to the Obligations.

11. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected.
- (b) Post petition payments have not been made to Movant.
- (c) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy

case to a case under any other chapter of Title 11 of the United States Code.

3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. In the event that the stay terminates as to the Property and the Property is foreclosed, i.e., Debtor(s) no longer have title to the Property, Movant is relieved of the requirements set forth in FRBP 3002.1 with respect to the Property.
5. For such other relief as the Court deems proper.

Respectfully submitted,

MACKIE WOLF ZIENTZ & MANN, P.C.

/s/ Stephen Wu

Stephen Wu
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Dallas, Texas 75254
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ATTORNEY FOR MOVANT

Certificate of Conference and Certificate of Service

The undersigned hereby certifies that on May 27, 2016 Stephen Wu called Opposing Counsel's office, informed them of the contents of this motion and a message was left informing Opposing Counsel that this motion would be filed. Furthermore, I hereby certify that a copy of this motion was served on the persons listed below in the manner indicated on 3rd of June, 2016.

/s/ Stephen Wu

Stephen Wu

Via Pre-Paid U.S. Mail:

JOHN LAWRENCE ATKINS and MELISSA SUE ATKINS

533 MEADOW KNOLL COURT
FORT WORTH, TX 76244
Debtor(s)

Via ECF:
BEHROOZ P. VIDA
3000 CENTRAL DRIVE
BEDFORD, TX 76021
Attorney for Debtor(s)

Via ECF:
PAM BASSEL
7001 BLVD 26
SUITE 150
NORTH RICHLAND HILLS, TX 76180
CHAPTER 13 TRUSTEE

Via ECF:
US TRUSTEE
441 G STREET, NW, SUITE 6150
WASHINGTON, DC 20530